

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAVAUGHN K. ROBINSON,
Plaintiff,
v.
SCOTTINI,
Defendant.

No. 2:22-cv-1641 KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. On September 7, 2023, plaintiff filed a motion for a seven day extension of time to seek discovery from defendant. On September 28, 2023, defendant filed an opposition. As discussed below, plaintiff's motion is denied as untimely.

"The district court is given broad discretion in supervising the pretrial phase of litigation." Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'" Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson, 975 F.2d at 607).

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1 As argued by defendant, the June 27, 2023 discovery and scheduling order provided that
2 all requests for discovery shall be served not later than sixty days prior to the October 20, 2023
3 discovery deadline. (ECF No. 26 at 5.) Thus, plaintiff was required to propound all discovery
4 requests on or before August 20, 2023. Because plaintiff was informed about the deadline in the
5 court’s discovery and scheduling order, his claim that he is “unaware of civil law rules in motions
6 or how to go about it without help” (ECF No. 28 at 1) is unavailing. Plaintiff fails to explain his
7 failure to earlier seek an extension of time and fails to show good cause for the extension. Thus,
8 plaintiff’s motion is denied.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (ECF No. 28) is denied
10 without prejudice.

11 || Dated: October 3, 2023

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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